

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA**

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ANIMAL LEGAL DEFENSE FUND, IOWA  
CITIZENS FOR COMMUNITY  
IMPROVEMENT, BAILING OUT BENJI,  
PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS, INC., and  
CENTER FOR FOOD SAFETY

Plaintiffs,

vs.

KIMBERLEY K. REYNOLDS, in her  
official capacity as Governor of Iowa, TOM  
MILLER, in his official capacity as  
Attorney General of Iowa, and DREW  
SWANSON, in his official capacity as  
Montgomery County, Iowa County  
Attorney,

Defendants.

No. 19-CV-00124-JEG-HCA

**MOTION TO DISMISS OF  
DEFENDANTS KIMBERLEY  
REYNOLDS, TOM MILLER, AND  
DREW SWANSON**

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Defendants Kimberley Reynolds, Tom Miller, and Drew Swanson (hereafter collectively referred to as “Defendants”), pursuant to Federal Rule of Civil Procedure 12(b)(6) and Local Rule 7, and hereby submit this Motion to Dismiss for failure to state a claim upon which relief can be granted. In support, they state as follows:

1. In their Complaint, Plaintiffs allege violations of their constitutional rights under the First and Fourteenth Amendments of the U.S. Constitution against Defendants.

2. Plaintiffs’ First Cause of Action asserts Iowa’s Agriculture Production Facility Trespass (“Ag-Trespass”) statute (Iowa Code section 717A.3B) is overbroad in violation of the First Amendment.

3. Plaintiffs’ Second Cause of Action asserts Iowa’s Ag-Trespass statute is a content and viewpoint-based restriction of their speech in violation of the First Amendment.

4. Plaintiffs' Third Cause of Action asserts Iowa's Ag-Trespass statute is void-for-vagueness in violation of the First and Fourteenth Amendments.

5. Plaintiffs' Fourth Cause of Action asserts Iowa's Ag-Trespass statute violates the Due Process Clauses of the Fourteenth Amendment.

6. Plaintiffs' Complaint should be dismissed in its entirety since Plaintiffs fail to state a claim for violations of their First and Fourteenth Amendment rights as a matter of law.

WHEREFORE, Plaintiffs' Complaint should be dismissed its entirety.

Respectfully submitted,

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Attorney General of Iowa

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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date, I electronically filed the foregoing paper with the Clerk of Court by using the CM/ECF system. All participants in this case are registered CM/ECF users and will be served by the CM/ECF system.

**DATE:** June 21, 2019

/s/ Jacob J. Larson  
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